locking switches would be established. One

certain inquiries as to the power of the

viaducts and elevated tracks has arrived

First-The charter delegates to the city

ample power to enforce the building of via-

THE CITY'S POWER.

Second-It also authorizes the enactment

of ordinances to secure the safety of cit-

tzens and others in the running of trains

in or through said city, and to authorize

and require railroad companies to change

the location, direction and crossings of their

respective railroads; to compel them to raise

or lower their railroad tracks to conform to

any grade which may be established by

such ordinances, and to require any person

or company owning or operating any rail-

road to take up and change the location of

any railroad track or switch heretofore or

hereafter laid within the limits of said city. The purpose of the provisions of the charter with respect to viaducts and elevation of tracks is to delegate to the city police

power to be exercised reasonably for the

public safety, and this power so granted

in broad terms could be exercised only in so far as was reasonably necessary to se-

cure the public safety, with due regard

to the charter and contract rights of the railroad companies. Whether this delegated

police power to the city is sufficient to au-

thorize the city, if necessary, to compel the general elevation of the tracks through-

out the city by concurrent action of the

railroad companies by adopting a common

and uniform system, your committee has not, with unanimity, as yet determined to its own satisfaction. We are, however, in

full accord in the opinion that ample power

abides in the State to compel the general

elevation of tracks where needed for the public safety, and are of the opinion that, if it becomes necessary, that such elevation shall be enforced, additional legislation is

"If the whole matter can be arranged by

agreement with the railroad companies

without legislation we think this plan

should be pursued. If agreement cannot be

the public safety to exercise the police power of the State to enforce track ele-

vation we would then recommend such ad-

Invitations have been sent to the presidents or general managers of the railroads to be present at a meeting of the commission to be held at 4 o'clock Thursday afternoon. Thus far but one reply has been received. That was from President Ingalls,

of the Big Four, and was written from

Hot Springs. He says it will be impossible

MR. MALOTT PROTESTS.

Closed by Works Board.

of Public Works yesterday to object to the

adjoining the High School property. He

ADDRESS TO BUSINESS MEN.

Mayor Denny Urges that Employes Be

Given a Half Holiday.

Mayor Denny yesterday issued the fol-

"To the Public-There are many residents of Indianapolis who never attend the

State fair, held here from year to year, for

lack of an opportunity. A chance to do

so should be given to every one. The peo-

ple of this city owe the management their

encouragement. The only support many of them can render is by attending. This nearly all will do if permitted. I therefore

respectfully, but urgently, request all mer-

chants, manufacturers and other employers

to close their places of business at 12 o'clock, noon, on Friday, the 21st inst.,

thus giving every one an opportunity to visit the fair on that day at least."

Asphalt in Woodruff Place.

The trustees of Woodruff Place have con-

tracted for the asphalting of all the drive-

ways in the place. The total length of the

driveways is about three miles. The pave-

ment is to be constructed on a four-inch

concrete base, with two inches of asphalt.

Western Paving and Supply Company

\$4.59, and 7 cents a square yard a year

for repairs after the expiration of five

years, during which the repairs are not

Indiana Bermudez Asphalt Company,

of St. Louis (using land asphalt), \$3.83, and

8 cents for repairs.
Warren-Scharf Asphalt Paving Company,
\$5.35, and 9 cents for repairs.
The trustees at first declined to let the contract on account of the price asked for repairs. Afterwards the Western Paving

and Supply Company agreed to make re-

cents a yard for the third five years. The

trustees accepted the proposition and the work will be begun immediately. The

company agrees to have it completed be-

fore winter. The total contract price will be about \$60,000.

Left Her Children Thirty Years Ago.

Mayor Denny has received a letter from

John Cummings, of Philadelphia, asking for

information concerning the whereabouts of

William, George, Joe, Annie, Margie, Belle and Mary Hutton. The writer says that

Mrs. George Hutton, mother of the per-

sons named, left them thirty years ago while the family resided about one mile

from Indianapolis. She is now very old and

Extra Officers for Fair Week.

The Board of Safety has appointed the

following special officers to serve in the

down-town districts during fair week: W

Tried to Bribe Matlock.

Sanitary Inspector Matlock if he would

accept a suit of clothes in consideration

of his letting the vault cleaner know the

location of vaults condemned before report-

ing them to the board. Matlock says he

does not care to mention the name of the

Asphalt on Shelby Street.

The Board of Works has adopted the

papers for asphalting Shelby street from

Pleasant run to Raymond street, making a

good drive to within two blocks of Garfield Park. The board decided not to wait till

the street-car company extended its tracks.

Sidewalk on Nebraska Street.

No Case Against Them.

to say about the trial of two men accused

of buncoing two Indianapolis men at Pitts-

"Martin and Thomas Burke deny a story

Frankfort Racing Association.

The Frankfort Racing Association was in-

of \$10,000. The directors are G. L. Thompson, Edward Burns, W. G. Morris, F. F. Faust, A. A. Laird, M. A. Carter and James A. Hedgcock.

Pugilist Mullins Dead.

BROOKLYN, N. Y., Sept. 18.—Arthur Mullins, thirty-three years of age, who held the light-weight championship before Jack McAuliffe acquired that title, died at the

home for inebriates at Fort Hamilton yes-

The Vehicle Wheel Washing Machine is

attracting much attention at the fair-don't

burg during the encampment:

The Pittsburg Dispatch has the following

The Board of Public Works has ordered

vault cleaner.

A vault cleaner wanted to know from

desires to learn something of her children.

The bids were as follows:

44.66, and 8 cents for repairs.

before the vacation was ordered.

lowing public address:

Volney T. Malo't came before the Board

practically adapted for the purpose."

for him to be present

ditional legislation as may be deemed best

arrived at and it is deemed necessary for

desirable.

whole of the switches.

at the following conclusions:

BIG FOUR NEW TRAINS

M. E. INGALLS ENDEAVORING TO WORRA HIS COMPETITORS.

Effort to Make His Road the Fast, Popular Line to the Seaboard-Meeting of General Managers.

The Big Four announces that on Sept. 30 It will put on a new fast train between St. Louis and New York, via Indianapolis and Cleveland. The train will leave St. Louis at 12 o'clock noon, arrive at Indianapolis at 6:50 p. m., reach Cleveland at 2:10 a. m., connecting with the Lake Shore fast train for New York and Boston, which reaches New York at 6:30 and Boston at 9:40 p. m. A train will be run over the Peoria & Eastera to connect with this fast train, and on it will be hauled a sleeping car to run between Peoria and Cleveland. The Chicago division will run Train 8 to connect with this train, and it is proposed to make it the fastest and most popular train between the Mississippi river and the seaboard. On the same date Train 9 will be restored between Cleveland and Indianapolis, leaving leveland at 8 p. m. and reaching Indianapolis at 6:30 a. m. Between Indianapolis and Cleveland the new train East is the fastest regular scheduled train ever run over the Bee Line division. With this change in schedule No. 7 will be lightened between Indianapolis and St. Louis by putting on an additional train to be known as No. II, leaving twenty-five minutes later than No. 7. The first will haul the day coaches and sleeping cars; the second mail, express and baggage cars. In passenger troles it is believed the Vandalia and the Pennsylvania will put on trains to meet he new ones put on by the Vanderbilt

The General Managers' Meeting. The general managers of the several Indianapolis lines held their regular monthly meeting yesterday and all lines were represented. The business was of routine character. Superintendent Zion, of the Union Railway Company and Belt road, gave the results of operating the road for the six months ending Sept. 1, and it met the approval of the general managers. Two questions which have caused some friction between the Belt road company and the other roads which do business over the line were adjusted satisfactorily to all interests; one was relative to the insurance of cars and their contents when passing over the Belt, the other as to when and where the liabilty for damages ends in the transferring of ousiness from the Belt road to its connections. Over the latter question there has een a good deal of dispute, and yesterday the matter was so arranged that hereafter there will be no trouble on that score.

The Weighing Bureaus. There is no feature of the railroad service which yields better results than the joint inspection and weighing bureau. The bureaus under the supervision of J. B. Eckman show the following results for the month of August: Gains at Indianapolis in tonnage, 11,527,020 pounds; gain in revenue, \$11,276.10. At Louisville, gain in tonnage, 3, 971,767 pounds; in revenue, \$6,128.33. At Vinconnes, gain in tonnage, 672,743; in revenue, \$515.80. At Evansville, gain in tonnage, 1. 992,543 pounds; in revenue, \$4,150.27. Terre Haute, gain in tonnage, 6,539,543 pounds; in revenue, \$6,733.60. Total gain in onnage at the five points, 24,703,650 pounds;

in revenue, \$28,804.10. Personal, Local and General Notes. Train 20, over the Vandalia, is credited with being the best paying train which leaves St. Louis for the East. F. G. Darlington, superintendent of the Indianapolis division of the Pennsylvania lines, returned yesterday from the East.

Passenger conductor Kenney, of the Pan-handle lines, who has been quite ill with nflammatory rheumatism, is improving. The Louisville, New Albany & Chicago has renewed its contract with the American Express Company for another ten years.

E. B. Whitcomb has been appointed pas-senger traffic manager of the Detroit & Cleveland Steam Navigation Company with headquarters at Detroit. On Saturday last there were handled on the Big Four system 5,426 loaded cars, the largest number in any one day in the his-tory of the consolidated lines. George Rockwell, recently appointed dis-

trict passenger agent of the Pennsylva-nia lines, is receiving numerous letters of ongratulation on his promotion. E. B. Taylor, of Pittsburg, general super-intendent of transportation of the Pennsylvania lines west of Pittsburg, was in the city yesterday on official business

Judge Bacon, general traveling passenger agent of the Chicago & Rock Island, and George T. Gunnip, holding a like position with the Santa Fe, are in the city. The election of N. P. Jackson as president of the Inter Oceanic rallway of Mexico is announced by circular. Mr. Jackson was vice president of the Mexican Central for nine years.

W. W. Richardson, formerly private sec retary of F. G. Darlington, now with H. B Dering, assistant general passenger agent of the Pennsylvania lines at Chicago, is in the city for a day or two. The Lake Erie & Western yesterday an

nounced another low rate excursion to Chi-

cago on Saturday next, and in the afteron the Big Four announced that it would meet it with its all rail line. Joseph Ramsey, jr., general manager of Louis terminals, who has been in he city for a day or two, was yesterday in Peoria looking after the interests of the Peoria & Pekin Union, of which he is pres-

F. D. Freeman, the new city passenger agent of the Pennsylvania and the Vanda-lia lines, will take charge to-day. Mr. Freeman has been in the service of the Pennsylvania Company in different positions twenty years.

Train 6, over the Vandalia and Panhandle, was run yesterday in two sections, carrying large numbers of insurance men to the national convention. From Evansille and that vicinity there were fifty-eight nsurance men on this train.

President Roberts, of the Pennsylvania lines, accompanied by Chief Engineer Brown, who has been in Europe three months, will reach home on the list. Mr. loberts will then make arrangements for an inspection trip over the western lines. It is probable the Monon people, at their annual meeting in this city to-day will take some action looking to the securing of in-Ms, the lack of which is one of the road's great draw backs in getting business here. N. K. Elliott, general superintendent of the Vandalia lines, is spending a couple of days in the city. He states that, on all divisions of the Vandalia system the last few

"Female Sufferers,

" Hear me! "I was discouraged, brokenhearted. I was so ill with female trouble I could not walk or stand, and had to be assisted to

> my feet when arising from a chair. whirled, and back ached, but worst of was

crowdingdown feeling in my abdomen. A friend told me of Lydia E. Pinkham's Vegetable Compound; her faith won mine, and now I am well. Oh! how can I return thanks to Mrs. Pinkham!

" Everywoman troubledwith uterus or womb troubles can be cured, for it cured me, and will them." - Mrs. Kerhaugh, Juniata St., Nicetown, Penn.

This great medicine destroys poisonous germs, cleanses the system, strengthens the womb, and corrects all irregularities.

weeks there has been a gradual increase heavy fall traffic.

n business and the indications are for a Among the passenger fraternity the impression prevails that D. F. Edwards, general passenger agent of the Cincinnati,

Hamilton & Dayton, has made a wise and

shrewd move in selecting Perry Griffin for city ticket and passenger agent at Cin-

cinnati, so extensive is Mr. Griffin's ac-

Chicago roads are anxious to do away with the low rates to the industrial fair in St. Louis, as they claim that the rates are being used to scalp the regular business. They are now voting on two propositions regarding the disposition of the tickets. One plan is to wipe out the rate of \$4.25 from Chicago to St. Louis, the other being to restrict the cheap rates to a territory within two hundred miles of Chicago. of the Lake Shore road, was probated yes-terday and showed his estate to be valued

at \$150,000, largely in personal property. The witnesses to the will, which divides he estate between five heirs, were H. J Hayden, of the New York Central, and George H. Valliant, of the Erie. Some surprise is expressed that the wealth of the deceased president was not greater, although he never speculated or dealt largely in real estate.

Wm. F. Brunner, assistant general passenger agent of the Vandalia and the Pennsylvania lines, has come ever to the side of the men who think that railroad men should never purchase property at any point where they are located. Ten years he was located at St. Louis and often about made up his mind to purchase property, but did not. Coming to Indianapolis three years ago as district passenger agent, he felt more inclined to purchase a home, and a short time ago did so. Now he must change his headquarters to St. Louis.

Whatever O. D. Ashley, president of the Wabash, has to say respecting the rail-road or business interests of the country s usually of interest, and for that reason his recent annual report is in demand. In his remarks to the stockholders he takes up the question of independent auditing of the accounts of railway companies, and his remarks are being quoted largely by financial papers. He says: "The practical question as to railway accounts is whether they represent the actual earnings, exdensed balance sheet gives a true state-ment of the assets and liabilities of the company, or whether they present the details in such a way as to confuse all except expert accountants. If these acounts are manipulated for the purpose f deception it is not the system of bookkeeping which calls for criticism, but the method of the auditor or that of his superior in office who may direct the en-

The Jenney Electric Motor Company has secured letters patent on a new electric headlight for locomotives, it being constructed on an entirely different plan from now in use, and the inventor cial that it will be as reliable as any piece of nachinery can be, as it is substantial in its build, and objections which have been raised to other electric headlights have een overcome. It is simple in construction and operates in a manner which enables the engineer to perfectly understand it. The company is arranging to test it on a locomotive under the most trying circumstances. Expert electricians who have examined it think if the price can be placed at such figures that roads can afford to purchase, they will come into general use. In speaking of electric headlights, last evening, N. K. Elliott, general superintend-ent of the Vandalia, said they had fourteen in use on their passenger trains, and the enginemen as well as the officers of the road would greatly dislike to do with-

OUT AT POMPEIL.

The Amphitheater Again Jammed with People-Extra Features.

One of the largest audiences witnessed "The Last Days of Pompeli" last evening of any yet assembled to see the show. The managers have placed about two thousand extra chairs, anticipating the need of them for fair week, and a great many of these were filled, in addition to every seat being taken. The show moved more smoothly in many respects than it has before. The processional seems longer than necessary, but It adds materially to the brilliant effect of the whole. For many of the special features there was more applause than there has been at any time before. Some of the acts were watched with breathless interest, and they were so daring that it is probable the spectators had not strength enough left to clap their hands or shout. Jean Weitzman gave a clever dance on the wire. He turned a somersault on the wire, and time after time sat, and then stood on the wire in a single bound. He danced on the wire as any other person would dance on the floor, and received cheer after cheer for the wonderful acts. The French grotesque dancers are marvels of grace, agility and flexibility. The eight thousand persons who saw Jean Weitzman on the high wire last night saw the most elaborate performance he has yet given. The most daring thing he did was to feign a fear that some one was after him. He trembled, lost his balance and turned first one way and another, till everyone was terrified lest he would fall. He walked with the pole across his shoulders, sat down, laid down, knelt and crept along the wire, dropping his leg first on one side of the wire and then on the other. When midway on the wire he rest-ed his pole and stood on his head. When ne had finished and retired to the west end of the wire the cheering broke forth. Then the grand fireworks began, and continued with the bursting of bombs and rockets and set pieces. The elephant and the monkey, as well as the flower garden, were shown. Knights Templars' badges in colored lights were roundly applauded, and one of the prettiest things of the whole was a revolving wheel, sending out showers of gold. The whole width of the platform was iluminated with fountains of gold mixed in all colors through the air. A large fan and other pieces kept the people interested till the final shower of two hundred rockets announced the close of the entertainment. The people had an extra bit of fireworks, for the scenery caught fire, and for a time the Pompeil threatened to become extinct without even a buried city to show

for it. Only Three More Performances. There will be but three more opportunities to see "Pompeli," at Lincoln Park, to-night, to-morrow night and Friday night. The beauty and elaboration of this glittering spectacle have made it a great attraction, and thousands of people have gone to see it who had never before enjoyed a similar entertainment. The view of the ancient city of Pompeli which it presents is a most beautiful one, for the arrangement of the scenery and lights is admirable. The scene on the stage, in which more than three hundred people take part, gives a representation of life in that city in the year A. D., 79, and, incidentally. there are introduced various athletic and acrobatic specialties, chief among which is the marvelously daring act of Professor Weitzman on the high wire, a performance that exercises a fascinating influence on the spectator. The principal attraction of "Pompeil," however, is the gorgeous dis-play of fireworks, which follows the scene of the destruction of the city by the erup-tion of Mount Vesuvius. Pain & Sons burn nearly \$1,000 worth of fireworks each night. most of it in designs and great set pieces, the like of which have never before been seen here. The display is as great as that seen at the world's fair last year, and, in many respects, superior to it.
To-night will be "Odd Fellows' night" at "Pompeli," and the special designs in fire-works will include the badge and other emblems of that order, the whole making a

very striking effect. To-morrow night, by a special arrangement, "Niagara on Fire," a set piece two hundred feet long, representing Niagara Falls in a solid blaze of flame, will be given again. On Friday night there will be a picture, in fireworks, of the most beautiful woman in Indianapolis, about which there is great curiosity mani-

There are ample street car facilities at Lincoln Park, where the production of "Pompeii" is given. Trains of electric cars run to the park every few minutes on both North Illinois street and College avenue lines, and the North Pennsylvania and Central avenue cars run to within five minutes walk of the park. The performance begins at 8:30 o'clock, being preceded by an hour's band concert, and is over at 10:15, giving out-of-town people ample time to catch the late trains.

Tax Commission's Record.

The Tax Commission record is being compiled by Secretary Fanning. It is about two-thirds as voluminous as that of last year. The total reduction on railway as-sessments is \$2,209,161. The increase on new mileage is \$703,414, leaving a net reduction of \$1.535,747. The total assessment is now \$157,743,026.

Dr. Price's Cream Baking Powder World's Fair Highest Award.

ELEVATEDTRACKPLAN

AN ELABORATE SCHEME PRESENT-ED TO THE COMMITTEE.

It Will Cost Something Over Two Millions of Dollars-Saving to the Railroads.

The elevated railroad committee of the Commercial Club held its second meeting in the club's rooms last night and there The will of John Newell, late president were submitted the reports of the engineers and the committee appointed to investigate the legal phases of the elevation question. The report of the city engineer was substantially as follows:

"I have first prepared a plan for the elevation of the minimum amount of track and area considered possible by us and have estimated the cost of this plan. The proposed plan provides for the elevation of the tracks from West to Noble street, and the necessary approaches at each end. It includes the elevation of the Union Station and of all the freight depots and yards between Mississippi and Liberty streets. The work is to be done by building stone retaining walls, each side of the area to be elevated and filling with earth the space between these walls. between these walls. The estimate of cost is based on this method of construction and includes a sufficient sum for the bridges over streets and the raising of such existing buildings as would be worth it. The main line is assumed to be a fourtrack road, and the additional tracks near freight stations being included in the estimate for raising yards and depots. The cost of a four-track road complete is estimated at \$75 a lineal foot; the cost of additional wall at street crossings at \$30 a lineal foot; the cost of a four-track bridge across the street an additional \$70 a lineal foot, and the cost of filling at 30 cents a square foot of the area. These figures are believed to be ample and the estimate will fully cover the cost of the work proposed.

"The main line, including approaches, ex-tends from the White-river bridge to the alley east of Pine street on the present line of the P., C., C. & St. L. rallway. The work to be done includes a four-track foad for this distance and the elevation of the train sheds at the Union Station and the tracks adjoining and appertaining there-to. This work consists of 8.140 feet of fourtrack road, 5,970 feet of additional wall at streets and along Pogue's run, 900 feet of four-track bridge across streets and 143,-750 square feet of filling, in addition to about \$100,000 estimated for raising tracks at the Union Station, where it would not be desirable to fill with earth, the amount of this estimate at the prices given above is practically \$1,000,000. The work made necessary by the elevation of this line in bringing the adjoining railroad property in proper relation with it include: "For the I., D. & W. railroad one-half of an approach from the west, \$67,500. "For the Big Four one-half of the above. one-half of the work for raising the freigh

\$147,600, and the cost of raising the tracks and depots on Delaware street, making a total of \$558,900. "For the Vandalia, one-half of the freight yard and stations at Capitol avenue, \$67, For the Pennsylvania Company, depot at Virginia avenue, \$75,000. "For the C., H. & D., one-third the Eaststreet yards, \$147,600. "For the L. E. & W. railroad, the same and \$12,000 for a track to their ro ndhouse. making a total of \$159,600.

stations between Capitol avenue and Mis-

sissippi street, the same; one-third the cost of raising the yards at East street,

"The total for the railroads 13 \$1,076,400 and the total for the whole elevated tracks and yards is \$2,076,400. "This plan would require all trains which pass through the city otherwise than round the Belt to follow the Belt from the road from which they come until the Vandalla crossing on the west or the Pennsylvania crossing on the east is reached and reach thence the elevated line. So far as the passenger trains are concerned none of the roads will be inconvenienced by this requirement except the J. M. & I., the L. E. & W. and the Monon. It is believed that the loss of time to trains will be practically nothing on account of the clear track given by the elevation and the consequent greater speed possible. There are not more than nine track privileges ad-facent to the elevated road which are not provided for by the above estimate and will be affected by the elevation. These are small in area and some of them will be improved by elevation. A very few thousand dollars would elevate them, much of which would be charged to betterments. MASSACHUSETTS-AVENUE CROSSING.

"With all through traffic removed from the present lines of railroad it would be possible to operate them for service of existing sidetracks at a minimum of inconvenience to street traffic. All crossing of streets between Market and South, both east and west and north and south, would be done away with as far east as Pine street, with two or three triffing exceptions. The lines from the north and from the south must be reached from the outer end, so that as the center of the city is approached the amount of traffic is diminished. There is, therefore, but one important crossing which is not practically leared. That one is Massachusetts avenue, over which there would still be considerable traffic. The amount would, however, be diminished more than 50 per cent and a little rearrangement of yard would reduce it still more. Should it be thought desirable to elevate the roads so that they could leave the city by their present lines it is believed that the elevation should be carried beyond Massachusetts avenue on the northeast, beyond North street on the northwest and beyond McCarty street on the south and beyond Dillon street on the east. This plan will require on the part of the railroads the following additional expenditures:

"For the Big Four, one-half from main

fine to Massachusetts avenue, \$270,000; to

Dillon street, \$292,500; to North street, \$450,-

000, making a total of \$1,012,500.
"For the Pennsylvania Company to Mc-"For the L. E. & W. railroad, one-half to Massachusetts avenue, \$270,000, making the total additional \$1.620,000 and the total cost for this plan \$3,696,400. Some additional work would probably be done to facilitate handling of freight, and an allowance for contingencies would bring this sum to nearly \$4,000,000. No estimate is included in this amount for the elevation of sidetracks and private switches. The number of such track privileges is large, and an examination of the ground would show that quite a number of them would be injuriously affected by the elevation, so that this estimate should be largely increased for such sidetrack elevation and the construction of approaches. The estimate given has not been as of efully worked out as at first, but includes a fourtrack roadway. The fact that a four-track way would not be needed for the through traffic on these lines should be taken into account in estimating the amount of additional cost for sidetracks." Engineer Brown submitted plats and pro-files showing the area of elevation and its relation to existing lines with the established track privileges. There would be distance of at least twelve feet between the street and the bottom of the girders at the street crossing, except at West and Benton streets, where it would be reduced to nine feet. He says that by the elevation of the tracks at the Union Station a large area will be left under the tracks open to passengers which will enable the handling of much larger crowds. He estimates that it will increase the capacity of the station nearly twelve times by the additional number of gates to enter trains, there being two gates provided for each track. In times of ordinary traffic the present gates can be used, doing away with the necessity of the additional gatemen. According to his plans, between Delaware and Alabama streets, the area occupied by the Big Four and Pennsylvania yards and freight stations will be entirely elevated as will also the yards of the Big Four, L. E. & W. and C., H & D., between Alabama

and East streets. QUESTION OF DAMAGES. The report was discussed at length. Mayor Denny thought the elevation should be carried beyond State street. He gave as his reasons for this that State street is the only north and south street coming onto Washington street, by which persons could reach the southeast and Woodside. With the increased traffic which the elevation would make, this crossing, he thought, would be so dangerous as to be practically useless, Mr. Mason asked how trains could get in and out of the city during the time of construction. Mr. Brown answered that if steel construction were made it would not interfere with the moving of trains. If earth between retaining walls was used, temporary stations would have to be erected at the east and west, or temporary tracks constructed in the bed of Pogue's run. He thought the steel construction the better of the two and fully as cheap as that with earth between retaining walls. Mr. Lilly said he thought it ought to be understood that the general system of surface tracks to manufactories was not to be disturbed. The question of possible damages was also raised and Mr. Brown said he thought there would be none except, possibly, between Delaware and Meridian streets. He thought property would generally be benefited instead of damaged. He thought the saving to the railroad com-panies in the employment of flagmen and switch tenders would be no small-item. If

the tracks are elevated it would bring a change in the system of tracks, and inter-

or two men in towers could control the The report of the committee to examine the legal phases of the question was then THE SPECTACLE THERE LEADS TO A LAW SUIT FILED IN THIS CITY. read. It was as follows:
"Your committee, to whom was referred

> Damages Demanded of the Pains by Amusement Managers-Supreme Court Again in Session.

In the Superior Court, yesterday afternoon, James and Henry J. Pain, proprietors of "The Last Days of Pompeii," were made defendants in a \$3,500 damage suit, filed by Albert G. Clark and J. Elliott Pearce, managers of the "Amusement Association," of Dayton, O. The plaintiffs demand damages for an alleged breach of contract on the part of the spectacular firm. Edward J. Robinson, treasurer of the Indiana State Board of Agriculture, and the Indianapolis Driving Club is named as a garnishee defendant, together with the State Bank of Indiana, Winfred B. Holton, Thomas McLean, Albert Leiber, Albrecht Kipp, Sol Hayes, Thomas Tag-gart, Irving S. Gordon, David M. Parry, Henry S. Fraser and Charles F. Kennedy, officers and trustees of the Indianapolis Driving Club and Board of Agriculture. The plaintiffs, who constitute the Dayton Amusement Association, allege that on June 21, 1894, they entered into a contract with James Pain & Sons for the produc-tion of "The Last Days of Pompeil" for a week's run at Dayton, it being stipulated that the total labilities of the plaintiffs should not exceed the sum of \$3,500, the amount to be paid by the plaintiffs as follows: By Pearce, in lumber, \$1,600; by Clark, in cash, \$1,900. It is alleged that Pain & Sons were to reimburse the plaintiffs for any excess over the contract diability of \$3,500. The complaint shows that the expenses of the production were not kept within the contract limit, but, instead were made to reach an aggregate sum of \$6,960.24, nearly \$3,500 in excess of the agreement. The plaintiffs demand judgment for \$4,000, and allege that there is in the possession of the garnishee defendants money and property belonging to Pain & Sons. A writ of attachment is asked against the property of the defendants. The proceedings will not interfere with the spectacular ngs will not interfere with the spectacula lisplay in this city

Mr. Henry G. Pain, the junior member of the firm of fireworks manufacturers, arrived in the city yesterday and registered at the Grand. He has just returned from Europe, where he went to attend the wedding of his sister. He said last night that he would remain in the city throughout the week. He refused to discuss the garnishee suit brought against his firm during the by the Dayton parties, saying it volved merely a disputed contract. When asked about his plans for next year, he

Does Not Want Susquehanna Street "It is our intention to put on some new and larger spectacles next year. One subject will be taken from a standard and very popular historical novel, but I am not ready yet to announce the name. Then we expect to have two battle scenes reprevacation of Susquehanna street, the alley sented, taken from the late civil war. These will be Gettysburg and Lookout Mountain. The spectacles will consist of was told that no petition for the vacation had yet been filed. He said he wanted to infantry movements and mock battles, to be heard when the petition was filed. Mr. Malott said he owned property upon the street, and it was but a question of time gether with fancy drills, etc. Then we will revive Pekin, but that depends somewhat upon whether Corea remains in possession till he desired to build upon it, and the vacation of the street would work a damthe Corean government or becomes su ject to Japan, and the war is carried to age to his property. The board told him he would have an opportunity to be heard the seat of the Chinese government. The present season has been successful, especially in the East. In New York we have never done better business than this year. It will soon be time to close all the spectacles in the Northern cities, but we will run them on in the South for two months

vet. I see Indianapolis is a good show town. The people seem to appreciate the Pompelian spectacle very much." Mr. Pain attributes the improvement recent years in such spectacular shows large part to the effectiveness of electricat a table and discharge fireworks pressing a button, and makes a smoother erformance. The electric transportat facilities, he says, have also greatly facilitated the successful handling of the

The Street-Car Company's Title. The case of A. S. Hickley, of Indianapolis, against the Citizens' Street-railroad Company has engaged the attention of the Circuit Court of Greenfield for two days. A few years ago Mr. Hickley, while on street car, was struck on the head by a brake lever suddenly loosened by the motorman. He was seriously injured and asks \$10,000 damages. On Monday it was discovered that the suit had been brought against the Citizens' Street-railway Company, and not the Citizens' Street-railroad Company, which is now the corporate name. sheriff returned his summons as served on the street-railroad company and the defendant gave notice and took depositions, answered the complaint and then, after the error in name was noticed, asked that the case be dismissed. The plaintiff asked that the complaint be amended and the correct name given. Yesterday morning Judge Martin ruled in favor of the plaintiff and the trial continued. Had the case been dismissed the plaintiff would have had no recourse, as the statute of limitation would have barred a new suit. The case was con-cluded at 5 o'clock and given to the jury.

Amended Bill Against Haughey. William B. Prescott, president of the International Typographical Union, yesterday filed in the United States Court an amended complaint against Theodore P. Haughey et al. for the collection of \$31,000, which, it eged, was on deposit in the Indianapolis National Bank at the time the institution closed its doors. The complaint also avers that the typographical union chased bills of exchange on the Third National Bank of New York, for which the plaintiff paid \$782, all of said bills being returned and dishonored. Judgment is asked against the defendants for \$35,000.

Supreme and Appellate Courts. The Supreme and Appellate courts are in session again after a long vacation. They convened yesterday, all the Supreme Court judges being present excepting Judge Dailey, of Bluffton, who is a hay fever victim, and still in Michigan. Chief Justice D. Griffin, Virgil A. Smith, George W. Knight, A. F. Collins, M. R. Buchanan, M. A. Raftery, Howard Ruark, George N. Corhan, Henry Rosengarten, J. D. Brown, George W. Dean, Gabriel L. Jones. Lotz, of the Appellate Court, is a sufferer from rheumatism, but was present yesterday. As the judges have been working on various cases during the vacation, opinions are expected to come in thick and fast from

> His Wife in Cincinnati. William H. Vincent, jr., wants the court to dissolve the marriage bonds existing between himself and Edith Vincent. His wife, he says, is in Cincinnati, where she went last August. He alleges that she took with her all of his money and household goods, and that when he went to see her she scornfully refused to explain her singular conduct.

Admitted to Supreme Court. James Ambrose Cotter, a Harvard graduate, was admitted, yesterday, to practice before the Supreme Court of Indiana.

THE COURT RECORD. Supreme Court.

16890. Board, etc., vs. Gillies. Henry brick sidewalk on the north side of Ne-C. Affirmed. Howard, J.—The making of a contract by a board of county commisbraska street, from Madison avenue to sioners for the purchase of stationery, etc., for the county is not a judicial act (Acts 1875, p. 31), but simply an administrative one, in which the board had discretion to enter into the contract or refuse to do so. No appeal will lie from such an act. But if the statute prescribes the mode of exer-cising this administrative power and the board failed to comply with the require-ments of the statute, then the act of the given out by the police that they had swindled W. C. David and William Stout by refusing to pay for a lot of G. A. R. en-campment badges they had agreed to sell. The defendants were discharged by magisboard was void, and may be enjoined. 16831. Myers vs. The W. C. DePauw Com-pany. Floyd C. C. Affirmed. Hackney, C. J.—An employe, when of mature age and of sufficient understanding to apprehend the trate Doherty yesterday, they claim, and will enter suit against Stout and David. According to the allegations of the Burkes dangers of the service, must be presumed to take all the ordinary risks pertaining they gave a note for \$125 for a supply of the badges, which were represented to them as accurate reproductions of the varithereto in entering upon his employment. 16873. Wilson vs. Johnson. Gibson C. C. Affirmed, McCabe, J.-An applicant for a ous army corps badges, with the names of change of venue, after the time allowed by the generals of each corps on them. The badges were so incorrect, it is claimed, that no one would buy them, and the diligence in discovering grounds of such application. 2. Deeds purporting to convey lands which do not describe or designate the lands are invalid for uncertainty. Burkes threw up their contract after ex-pending and losing considerable money. 17177. Kelly vs. Kelly. Floyd C. C. Dis-17346. Knight vs. City of Logansport. Cass. C. C. Dismissed. corporated yesterday with a capital stock 17048. L., E. & St. L. Railroad Company vs. Miller, Administratrix. Floyd C. C. Mo-tion to dismiss overruled and supersedeas

Appellate Court. 1425. Midland Railway Company et al. vs. State ex rel. Harrison. Clinton C. C. Affirmed. Gavin, J.-A complaint on a delivery bond given by a railfoad company to release property seized for taxes which avers that there was duly and legally assessed by the Board of Commissioners and other proper authorities for State, county, school and other purposes, the sum, etc., is sufficient on demurrer as showing that the taxes were validly assessed. No demand under the bond was necessary. Although

the State Auditor's certificate of the valuation of appellant's property omitted the dollar mark except at the head of one column of figures, yet the context, taken in connection with the duties of such officers, make it reasonably certain that it was the

1374. Coble vs. McClintock et al. Carroll C. C. Reversed. Reinhard, J.-When the deposition of a decedent is in evidence party to the action against the estate of such decedent is competent to testify as to matters contained in such deposition.

1164. Quick vs. Lawrence National Bank et al. Wabash C. C. Affirmed. Davis, J.—
The verdict will not be disturbed on the weight of the evidence.

Superior Court. Room 1-James M. Winters, Judge. Joseph Flack vs. Jno. R. Budd; account. Judgment for plaintiff for \$3,382.06.
Esther A. Bristor vs. Maggie C. Russell et al.; foreclosure. Judgment for plaintiff for \$231.61.

Room 2-J. W. Harper, Judge. Moses K. Fatout et al. vs. Frank M. Rottler et al.; suit on account. Tried by court. Finding and judgment for plaintiff for \$24. Elizabeth Rinard vs. David C. Rinard; divorce. Decree granted plaintiff, together with custody of minor child. Martha S. Kirkpatrick vs. Robert Kirkpatrick; divorce. Decree granted plaintiff, together with custody of minor child. German Mutual Insurance Company of Indiana vs. Lydia Barton et al.; foreclosure of mortgage. Cause dismissed and costs

Room 3-Pliny W. Bartholomew, Judge. Amos Powell vs John Herron; for services. On trial by court. Circuit Court.

Edgar A. Brown, Judge. Patrick J. Martin was declared a person of unsound mind by a jury.
State ex rel. Georgia Millikan vs. Ed
Smith; bastardy. Jury returns verdict in
favor of relatrix and court renders judgment on verdict for \$250 New Suits Filed.

Joshua Kraling, Receiver, vs. Mary B. Owens et al.; suit on note, Circuit Court. William H. Vincent, jr., vs. Edith E. Vincent; suit for divorce. Superior Court, William Bowman vs. Elmer E. Smith et al.; suit on account. Superior Court, Amda Roberts vs. Leland P. Roberts; suit for divorce. Superior Court, Room 3. Albert C. Clark et al. vs. James Pain et al.; damages and attachment. Superior

George C. Henderson et al. vs. Isaac Henderson; suit for injunction. Circuit John W. Robinson vs. George W. Bedell; suit to foreclose. Superior Court, Room 3. Indianapolis Orphans' Asylum vs. Martin M. Cenarroe; suit to quiet title. Superior Court, Room 1.

Anheuser-Busch Brewing Company vs Frederick Jevicker; suit perior Court, Room 3.

Samuel Robbins vs. the Bermuda Asphalt
Company; suit on account. Superior Court,

ONAQUA'S NEW MARK

TROTTED IN 2:15 3-4 AND WON FROM EXPRESSIVE.

One Heat at Galesburg Paced by Whirligig in 2:11 1-4-Alix to Go To-Day-Racing in Indiana.

GALESBURG, Ill., Sept. 18 -- Four thousand people saw fine racing on the new Galesburg track to-day. The weather was clear and bracing and the track in a greatly improved condition over yesterday. In the three-year-old trot Onaqua reduced her record from 2:171/4 to 2:15%. To settle this race required five heats, Onaqua winning the last in 2:17, going the first half in 1:05%. The three-minute class trot required six heats and was from start to finsh a fine performance. The best time of the day was made in the 2:21 pace, in which Whirligig. Carbondale and Rocky P. made a very close contest. This race will be completed ord to-morrow afternoon. Summaries:

to-morrow. Alix is to go against her rec-Three-year-old trot; stake, \$1,000. Onaqua2 Time-2:22, 2:15%, 2:20%, 2:23%, 2:17. Three-minute trot; stake, \$1,000. Authelial fyra Simmins2 Travis M...... 6 3 3 Baker 4 4 4 4 3 ro Roxannia 5 6 6 5 5 ro Van Robin 7 5 7 6 ro Augustine 2:20, 2:18, 2:18%, 2:21, 2:22. 2:21 pace; stake, \$1,000 (unfinished.) Carbondale2 Justler Russell Time—2:11¼, 2:12

First Day Trots at Evansville. Special to the Indianapolis Journal. EVANSVILLE, Ind., Sept. 18 .- The races to-day were well attended and the interest in the sport intense. The time made was good and the finishes spirited. Summary: 2:50 trot, for foals of 1892; purse, \$300. Nellie Clarke, g. m., by Re-election...2 W.....

2:25 trot; purse, \$300. Woodstock, ch. s. by Rebert Mc-Gregor Running half mile and repeat. Bessie Nickoles first, Granite second. Time, :50. Bicycle Race-Mile handicap. E. S. Bennett (seventy-five yards), first; George Stocker (scratch), second; Frank Stocker (one hundred yards), third; Andrew Boys (forty yards), fourth. Time, 2:381/2. Richmond Trotting.

Special to the Indianapolis Journal. RICHMOND, Ind., Sept. 18 .- The Richmond race meeting began this afternoon The track was fast, but owing to the cold the attendance was small. For the class of horses the time was fast. Summaries: 2:18 trot; purse, \$300.

Time-2:1814, 2:1814, 2:1734, 2:1914, 2:2014. In the 2:35 pace there were seven starters, Bertle K., Fred H., Orphan Girl, Amos J., Mattie G., Warren C. and Crockett. Darkness prevented the finish, which went over until to-morrow. Fred H. had one heat, Amos J. two heats and Mattie G. two heats. Best time, Fred H. in 2:18%.

2:30 Pace Won by Gazette. TIFFIN, O., Sept. 18.-Results of Senece Driving Park races:

2:35 pace; purse, \$300. Robina won straight heats in 2:27¼, 2:28, 2:28¼. Speth, Belle T. and Abe also started. Speth, Belle T. and Abe also started.

2:30 pace; purse, \$1,000. Gazette won in straight heats in 2:17¼, 2:16½, 2:17¼. La Grippe, Pocahontas, Hideaway, Rock More, Red, Billy C. and Clifton Boy also started.

2:25 trot (unfinished). Jessie B. and Rifle won two heats each in 2:21½, 2:19¼, 2:20¼,

RUNNING RACES. Neptune Stakes at Gravesend Won b

Nankipooh. NEW YORK, Sept. 18 .- Out of fifty-nine entries at Gravesend to-day only thirtyone went to the post. Three favorites of

the six won on the sloppy track. There was but one stake on the card, and only three of the eight down to start went to the post. Nankipooh was an odds-on favorite, with Tinge a second choice, and that was the way they finished. Summaries: First Race-Six furlongs, Hartford, 6 to won; Dungannon, 3 to 5, second; Wedding Tour, 15 to 1, third. Time, 1:1514. Lou Foster, Handover, Inquisitive and Tear Drop also ran. Second Race-Mile and one-quarter.

Dutch Skater, 9 to 10, won: Victorious, 9 to 1, second. Time, 2:1014.

Third Race-Five furlongs. Owlet, 10 to 1, won; Urania, 3 to 5, second; Golden Rod, 4 to 1, third. Time, 1:0214. May Day filly, Flush, Knicknack filly, Tweedledum, Gennett Edwards, Deno and Pont Lear also

STRIKES THE SOURCE.

A Pile Cure That Goes to the Root of the Disease.

There are lots of lotions, oils and salves that will, through their soothing influence, relieve temporarily the pain incident to piles. But is that all the sufferer requires? Isn't it a horrible thought to realize that the ease is only temporary and the disease goes on under the surface without a moment's interruption? Wouldn't it be wiset to select a remedy that seeks the source and regulates those deep-seated disorders which induce the disease? Pyramid Pile Cure not only relieves the pain at once, but effects a permanent cure of the worst form of piles. You don't have to go through a tedious course of dieting while using it either. It strikes through those delicate membranes and tissues and sets the blood in healthful circulation, reducing at once the painful inflammation and congested tumors. This remedy is not a heargested tumors. This remedy is not a haphazard combination of drugs, but is a remedy invented by specialists who have treated piles and blood disorders successfully for years. Manufactured by the Pyramid Drug Company, at Alblon, Mich. Almost any first-class druggist has it on sale. Don't treat this disease with every lotion and salve that comes along. member the parts affected are among the most delicate in the human body. This remedy is absolutely safe, and no one need fear to apply it freely on the most in-flamed parts. The speed with which it al-lays the pain is an agreeable surprise to the sufferer.

FLANNER & BUCHANAN

FUNERAL DIRECTORS.

We have removed to new and commodious quar ters. Perfect privacy and convenience assured. Chapel and Morgue in charge of lady attendant.

172 North Illinois St.

EASTMAN-At 7:45 a. m. on Tuesday, Mrs. Catharine Jypson Eastman, mother of Dr. Joseph Eastman, of this city, and of Mrs. Sarah Barker, of Danville, Ind. Funeral services at the residence of Dr. Eastman to-day, at 11 a. m. Friends in-

FINANCIAL. LOANS-Money on mortgages. C. F. SAYLES, 75 East Market street. LOANS Sums of \$500 and over. City property and farms.

C. E. COFFIN & CO., 90 East Market MONEY TO LOAN-We have plenty of 6 per cent. money to loan on Indiana farms. C. N. WILLIAMS & CO., Crawfordsville, Ind.

TO LOAN-Money to loan upon real estate mortgage in amounts required. Interest moderate. No commission charged. M'GILLIARD & DARK, 83 and 85 East Market street MONEY TO LOAN-On farms at the lowest market rate; privileges for payment be-fore due. We also buy municipal bonds. THOMAS C. DAY & CO., 72 East Market

street, Indianapolis. LOANS-6 per cent. money on improved real estate in this city only. (No loans made outside.) Borrower has the privilege of prepayment semi-annually. No delay. Reasonable fees. JOHN S. SPANN & CO., & East Market.

WANTED-AGENTS. AGENTS WANTED-Agents to take orders by sample at home or travel. We pay liberal salary and expenses or good nission, and furnish samples to right applicant. Address Lock Box 1354, New York city. WANTED-MISCELLANEOUS

WANTED-A good all-around Blacksmith; steady employment; must be sober. Address Box 366, Noblesville, Ind. WANTED-Knowing that many men and women have not the time necessary for llecting data for club papers of a reous, social or literary nature, a reliable person will do the work for a reasonable sum. Correspondence condential. Address D. W., Journal office.

ANNOUNCEMENTS. ANNOUNCEMENT-Go and see Mrs. Dr. Silva, the medium and good adviser, 25 Indiana avenue, over Lambur's drug

ANNOUNCEMENT-The Velled Prophet, the great clairvoyant, tells everything. When a mere calld, thirteen years of age, her true predictions and reading of fate made her famous. 153 North Tennessee street. ASTROLOGER.

ASTROLOGER-Mrs. Dr. Ellis, Room Ryan's Block, Indiana avenue, tells life' history by the planets, where to go, what to do for the best success in business love, health and happiness. If sick, in trouble, consult the Doctor at once. FOR RENT.

TO RENT-House. Desirable cottage northwest corner Ash and Vine. FOR RENT-Pleasant rooms in small family to reliable man tenant. Address DELAWARE, Journal.

FOR RENT-ROOMS-Those wishing to change room should call at 11614 Meridian. New place, new furnitur-

FOR SALE. FOR SALE-A dissolving stereoptic first-class, nearly new, complete outfit a bargain. C. PARSONS, 112 West Madi-STORAGE.

STORAGE—We will rent for a few months one, two or three floors, 50x107, in the McCormick Block, 67 South Pennsylvania, street. Electric elevator, 8x16. BUSINESS CHANCE. BUSINESS CHANCE-Forty-five per cent profits weekly, with \$150 capital. Pros-pectus, itemized statistics free. BENSON & DWYER, 834 Broadway, New York.

Sheehan, 21/2 to 1, third. Time, 1:44. Star Longbridge, 6 to 1, won; Galloping King, 14 to 5, second; Judge Morrow, even, third. Time, 1:514. Half-breed and Harry Alonzo also ran.

Sloppy Track at Latonia. CINCINNATI, Sept. 18 .- The attendance at Latonia to-day, in spite of a drizzling rain and sloppy track, was between 2,500 and 3,000. Summaries:

First Race—Seven furlongs. Equator, 4 to 1, won; G. B. Cox, 8 to 1, second; Pirate King, 2 to 1, third. Time, 1:33. Gloriana, Blake, Mill Boy, Lonsdale, Miss L., Elmore and Dollie finished as named.

Second Race—Mile and twenty yards. Say On, 2 to 1, won; Clementine, 9 to 10, second; Peytonia, 15 to 1, third. Time, 1:48. Clinty C. and Henry Owsley finished as named. Third Race—Declared off on account of Fourth Race-The Zoo Zoo stakes; four furlongs, Valadora, 7 to 2, won; Lillian C.,

2 to 1, second; Jane, 12 to 1, third. Time, 1:19%. Gurgle, IAlly of the West, Favorine, Conjecture, Isabel and Glovina finished as named. Fifth Race-Five furlongs. Curator, 7 to 1, won; Royal Spirit, 3 to 1, second; Uncle Henry, 20 to 1, third. Time, 1:06. Sir Rathbone, Spiritualist, Porthos, Shanty Bob, Sweden, Insomnia and Debosis fin-

Sixth Race—Seven furlongs. Charm, 3 to 1, won; Sadie Hord, 5 to 1, second; Judith, 7 to 2, third. Time, 1:32%. Miss Lilly, Sister Anita, Manoa and Cornelia finished as Philadelphia Cricketers Abend. PHILADELPHIA, Sept. 18 .- The second day's play in the international cricket match between the Canadian and American

teams began at 11 o'clock this morning at the grounds of the Philadelphia Cricket Club. When game was called last night the visitors had rolled up 155 runs and the Philadelphians managed to get in eighty-three runs before darkness ended the play. A heavy downpour of rain put a stop to the game to-day shortly after 1 o'clock, but in that time the locals had run their score up to 177, with nine wickets down. Unpaced Mile in 2:23.

PEORIA, Ill., Sept. 18.-There was a large attendance at the races of the Peorla Bicycle Club to-day. E. Anderson, of Rood-house, broke the world's record of an unpaced mile, Class A, standing start, doing the distance in 2:23, lowering the time of Frank Gardner at Syracuse two seconds

longs. Nankipooh, 3 to 5, won; Tinge, 8 to 5, second; Kennel, 15 to 1, third. Time, 1:1514.

Fifth Race—One Mile. Sir Excess, 7 to 10, won; Little Matt, 4 to 1, second; Gov.